



SELECT BOARD MEETING
Town of Southwest Harbor
Town Office & Via Zoom*
6:00 p.m. ~ Tuesday, February 28, 2023

Minutes

1. **CALL TO ORDER:** Ball called the meeting to order at 6:06p.m.

2. **ROLL CALL:** Chair Carolyn Ball, Vice Chair Natasha Johnson, Jim Vallette, Luke Damon, Manager Marilyn Lowell, and Town Clerk Jennifer LaHaye.
 - A. **Excused Absences** (if any) George Jellison is excused.

3. **ADOPTION OF AGENDA:** *Request of the Town Manager for a motion to adopt the agenda as presented.*

Damon motioned to adopt the agenda as presented. Seconded by Johnson. Vote:4-0.

4. **APPROVAL OF MINUTES:** *Request of the Town Manager for a motion “to approve the minutes of...”*

A. January 18, 2023 – SB Budget Meeting

Vallette motioned to approve the January 18, 2023 minutes. Seconded by Johnson. Vote: 4-0.0

B. January 23, 2023 – SB Budget Meeting

January 23, 2023 minutes deferred to next meeting.

C. February 14, 2023 – SB Meeting

Vallette noted under regular business it noted no decision made. Vallette stated they requested Town Manager to meet with the Board of USDA Rural Development.

5. APPROVAL OF WARRANTS:

Town Payables: W#89
Town Payroll: W#0223, W#0302
Trust & Agency: W#87, W#88

School Payables: W#86
School Payroll: W#85

Johnson motioned to approve the warrants as presented. Seconded by Vallette. Vote: 4-0.

6. APPOINTMENTS:

- A. W/S District Trustee:** *Request of W/S District to appoint Kenneth A Minier to the W/S District board of trustees.*

Johnson motioned to appoint Kenneth A Minier to the W/S District board of trustees for a remainder of a 3-year term effective until June 30, 2026. Seconded by Damon. Vote: 4-0.

- B. Board of Appeals:** *Request of Town Clerk to appoint Adam Babbitt to the Board of Appeals.*

Johnson motioned to appoint Adam Babbitt to the Board of Appeals for a 3-year term effective until June 30, 2023. Seconded by Damon. Vote: 4-0.

7. REGULAR BUSINESS:

- A. Harbor Ordinance Amendments & Combining of Float & Dock Ordinance:** *Request of Harbor Committee to approve Harbor Ordinance Amendments.*

Vallette motioned to approve the amendments, grammatical edits, and basic clean-up of the Coastal Waters And Harbor Ordinance For The Town Of Southwest Harbor, Maine, for voter approval at the May 2023 Town Meeting to move forward. Seconded by Johnson. Vote: 4-0.

- B. Comprehensive Plan Update Task Force:** *Request of Comprehensive Plan Update Task Force to approve Comprehensive Plan, Workforce and Affordable Housing, Coastal Erosion and Stormwater Run-Off & Infiltration amendments.*

Damon motioned to separate the Workforce and Affordable Housing updates, from the Coastal Erosion and Stormwater run-Off & Infiltration updates. No Second.

Johnson motioned to approve the Comprehensive Plan, Workforce and Affordable Housing, Coastal Erosion and Stormwater Run-Off & Infiltration amendments, for voter approval at the May 2023 Town Meeting to move forward. Seconded by Vallette. Vote: 4-0.

Discussion:

Ball noted Jellison was not present at tonight's meeting, and asked if anyone else on the board feels there should be a separate article on housing. Damon advised several people to have come to him asking more about the Workforce housing.

C. Chris's Pond Project: Request of SWH Conservation Commission & MCHT to present update on the Chris's Pond Project.

Kristin Hutchens, an associate member of the Southwest Harbor Conservation Commission, and Misha Mytar from the Maine Coast Heritage Trust were present in person, along with other members of the Conservation Commission in person and by Zoom.

Kristin supplies several updates that were new.

- March 2022 – Conservation Limited Development, LLC, a subsidiary of Maine Coast Heritage Trust, bought 20 Chris' Lane, 5.09 acres. This adds to the prior purchase of 392 Main St., 0.75 acres. This is known as the Dearden property.
- October 2022 – House and shed at 392 Main St. were removed. This is known as the Letcher property.

If the Board would like to go ahead the Conservation Commission has prepared a recommendation on the portions of the properties to be donated to the Town to support the public's use of Chris' Pond, approximately three acres.

Discussion:

Johnson explored the amount of potential value of the properties could be needed to be matched. Manager Lowell noted the application lists non-reimbursable expenses; she said voters will need to be aware of these costs. These non-reimbursable expenses would be something the Town would need to pay for up front. Misha advised that there is funding available from MCHT for the appraisal, this is one of the upfront costs. Ball and Damon agreed there is low cost to this, but cost, that voters should be made aware of. Hutchins adds the actual cost would be loss of tax base but believes the benefits to the town would outweigh these costs.

Conservation Commission recommends it be on a warrant article to request voters to accept the land. Hutchins read purposed language of article:

“To see if the Town will vote to authorize the Select Board to accept the gift of land adjacent to Chris' Pond from Conservation Limited, LLC, a Subsidiary of Maine Coast Heritage Trust, to be used in conjunction with Chris' Pond Public Park, with such terms and conditions as the Select Board deems to be in the best interest of Town.”

Johnson motioned “To see if the Town will vote to authorize the Select Board to accept the gift of land adjacent to Chris' Pond from Conservation Limited, LLC, a Subsidiary of Maine Coast Heritage Trust, to be used in conjunction with Chris' Pond Public Park, with such terms and conditions as the Select Board deems to be in the best interest of Town.” Seconded by Damon. Vote: 4-0.

Town Manager named to represent Town during informational meetings with MCHT & Conservation Commission.

Next Steps: ~ Questions of Costs, new conditions of grants (if any since prior grant sessions), and how process works with open land will be some items needing to be discussed. The

Conservation Commission will meet/reach out to Marilyn with any meeting times.

D. Certification of Official Text of a Proposed Ordinance and Order: *Request of Town Clerk to approve and sign Certification of Official Text of a Proposed Ordinance and prospective Orders.*

Vallette motioned to approve “Coastal Waters and Harbor Ordinance for the Town of Southwest Harbor, Maine” Certification of Official Text as presented. Seconded by Johnson. Vote: 4-0.

Article - Question 1:

Shall the Town vote to adopt the “Ordinance on the Use of Docks, Piers, Wharfs and Other Such Facilities to Transfer Ship Passengers,” (Amended through 5/18/2018), as an addendum to the “Coastal Waters and Harbor Ordinance for the Town of Southwest Harbor, Maine” (Amended through 7/14/2020)?

Vallette motioned to approve and sign the Order for Question 1 as presented. Seconded by Johnson. Vote: 4-0.

Article - Question 2:

Shall an Ordinance entitled “Coastal Waters and Harbor Ordinance for the Town of Southwest Harbor, Maine,” (updated 5/2/2023) be enacted to repeal the current “Coastal Waters and Harbor Ordinance for the Town of Southwest Harbor, Maine” (Amended through 7/14/2020)?

Vallette motioned to approve and sign the Order for Question 2 as presented. Seconded by Johnson. Vote: 4-0.

Article - Question 3:

Shall the following amendments to the Comprehensive Plan, sections noted as Workforce and Affordable Housing, Coastal Erosion and Stormwater Run-Off & Infiltration, be enacted as an addendum to the Comprehensive Plan?

Vallette motioned to approve and sign the Order for Question 3 as presented. Seconded by Johnson. Vote: 4-0.

E. ~~2007~~ 2004 Freightliner Replacement: *Request of Select Board to confirm whether a deposit is/is not required with the truck order.*

Johnson motioned to authorize the Town Manager to sign a sellers agreement order for a new International from Colwell Diesel. Seconded by Damon. Vote: 4-0.

Damon noted that the 2007 Freightliner is being kept and moved to a backup truck and replacing the 2004 International with the new International.

F. Solid Waste Task Force Membership: *Request of SW Task Force to appoint additional members.*

Johnson motioned to approve the request of the Solid Waste Reduction Task Force to have added members up to a total of 12 members.

G. Resident Tonnage Donation: *Request of Town Manager to approve the donation of resident, unused tonnage for Tremont family whose home was destroyed by fire.*

Damon motioned to authorize SWH residents to donate up to 20,000 pounds of unused tonnage at the EMR Transfer Station for the Elliot family. Seconded by Johnson. Vote: 4-0.

H. FY24 Budget Updates: *Request of Town Manager to review updates to FY24 Budget.*

During the Warrant Committee meetings, it was discovered that the recycling part of Contracted Services was blank. After reviewing the Select Board recordings to determine where it was discussed in each meeting, Manager Lowell found that it was missed in the 1.23.2023 meeting because of all the back and forth talking. The amount of \$31,710 was to be put into the recycling line and the MRC line decreased to \$144,510 changing the CS total to \$713,363 from the \$701,578. The High School budget of \$1,506,180 is an increase from the estimated \$1,375,527. After receiving the High School, Manager Lowell doubled checked the Pemetic budget and found the budget. paperwork passed out at the School/Select Board meeting was different than what was received originally and put into the budget. She decreased the amount from \$4,046,262 to \$4,011,262, giving an overall increase of \$95,653 for the schools' appropriations. Manager Lowell reported the auditors also stated the \$15,000 shown under Conservation Committee Reimbursement should not be noted in Revenues, so this was removed decreasing total from \$1,214,501 to \$1,199,501. These changes increase the Municipal Budget from \$4,812,349 to \$4,824,134 for an increase of \$11,785.00. The changes will be reflected in the Town Warrant Articles.

8. MANAGER REPORT:

Please see attached Manager's report.

9. SUGGESTIONS FOR NEXT MEETING: *No action will be taken, other than to place the requested item on the next agenda.*

- Budget Variance reports to be included in the Managers report.
- Harbor Ave. Issues with the recent storm. The culvert is broken, lots of work needing to be done. Would like to hear recommendations from for next meeting.
- Hill Crest Circle & High Road tree trimming needed.
- Appointments for Solid Waste Task Force.
- Warrant Committee review of recommendations.
- Sprinkler compressor findings from re-check.

10. NEXT MEETING DATE: *Adoption of a motion to confirm the date of the next regular meeting for Tuesday, March 14th at 6:00 p.m. at the Town Office meeting room.*

Vallette motioned to confirm the next meeting date for Tuesday, March 14th at 6:00 p.m. at the Town Office meeting room. Seconded by Johnson. Vote: 4-0.

11. ADJOURNMENT:

Damon motioned to adjourn the meeting at 8:16 p.m. Seconded by Johnson. Vote: 4-0.

Respectfully Submitted,

Jennifer E. LaHaye
Town Clerk

APPROVED

Carolyn Ball, Chair

Natasha Johnson, Vice Chair

George Jellison, Jr.

James Vallette

Luke Damon